



An
Bord
Pleanála

Inspector's Report ABP-315944-23

Development	Retention for containers and storage shed with associated site works.
Location	Ballymullen, Abbeylax, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	22751
Applicants	Booth Precast Limited
Type of Application	Retention
Planning Authority Decision	Grant Retention
Type of Appeal	Third Party
Appellant	Thomas McEvoy
Date of Site Inspection	12 th October 2023
Inspector	Dolores McCague

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports.....	4
3.3. Third Party Observations.....	5
4.0 Planning History.....	5
5.0 Policy Context	8
5.1. Development Plan	8
5.2. Natural Heritage Designations	9
5.3. EIA Screening	9
6.0 The Appeal.....	9
6.1. Grounds of Appeal.....	9
6.2. Applicant Response.....	11
6.3. Planning Authority Response	13
7.0 Assessment.....	13
7.2. Appropriate Assessment	13
7.6. Principle of Development.....	17
7.7. EIA.....	18
7.8. Other Issues.....	18
8.0 Recommendation.....	19
9.0 Reasons and Considerations	19
10.0 Conditions.....	20
Appendices	23

1.0 Site Location and Description

- 1.1.1. The site is located at Ballymullen, Abbeyleix, Co. Laois, approximately 2km to the north west of the village of Ballinakill and c.2.5km to the south of Abbeyleix. The site is accessed via the local road that connects Ballinakill and Abbeyleix. The public road which serves the site links to the national secondary road, N77, at Ballymullen Cross south of the town. The local road is narrow and shows evidence of damage and repair. There are sections where road widening appears to be occurring and short sections of pinch points.
- 1.1.2. The site is some distance from the public road and is accessed via a long private driveway.
- 1.1.3. Given as 0.5681 ha, the site comprises three areas enclosed in red line boundaries, within a large production area for concrete related products, located within extensive quarry land.

2.0 Proposed Development

- 2.1.1. The proposed development is described in the notices as: (a) retain 4 no. staff welfare containers to facilitate social distancing requirements as per Covid guidelines; (b) 3 no. steel storage containers with canopies to provide shelter for workers; (c) 1 no. mechanics storage container; (d) single lean-to shed to provide shelter for materials storage and; all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decision, dated 14th February 2022, was to grant-permission, subject to 6 conditions, including:
 - 2) the storage buildings/structures shall not be used for the storage of any hazardous materials.

3) clean storm water shall be managed within the curtilage of the landholding. The storm water shall be recycled on-site or shall be managed via suitably sized soakaways designated in accordance with BRE Digest 365 – Soakaways Design. Contaminated storm water shall not be allowed to discharge to any storm water drain, watercourse or to groundwater.

4) All temporary and permanent overground fuel/chemical storage tanks shall be adequately bunded to protect against spillage and leakage etc. Bunding shall be impermeable and shall be capable of retaining a volume equal to 1.50 times the capacity of the overground storage tank it is being provided for. Filling and off-take points shall be located within the bunded area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Noting that the application form states that there is a total of 1858 sq m of floor area of existing buildings within the site.

Shed types proposed for retention are listed in tabular form:

Building Number	Description	Length	Width	Height	Area
1	Mechanics Storage Container	12.18	2.7	2.4	33
2	Welfare Facility	8.8	2.7	2.25	24
3	Welfare Facility	3.4	2.7	2.45	10
4	Welfare Facility	4.9	3	2.45	15
5	Welfare Facility	5.8	2.7	2.45	16
6	Lean-to shed	13.2	6.4	4.11(Max)	85
7	Steel storage shed and works shelter	12.2	23	5.8 (Max)	278
Total					461

They are generally corrugated galvanised steel, in various colours.

No 1 is located close to the offices at the northern part of the site.

No 2-6 are in proximity to the manufacturing building in the centre of the overall plant.

No 7, which comprises 3 storage containers covered by 2 domed canopies, is located in a more open area c35m south-east of the existing manufacturing operations.

AA screening is included.

EIA screening is included.

The development was subject to a Section 5 declaration application; a further information request was not responded to.

The significant planning history is referred to and enforcement files are listed.

Recommending permission.

3.3. Third Party Observations

3.3.1. Third party observations have been read and noted.

4.0 Planning History

Laois County Council Ref. **22/253**: Permission to retain granted by the Planning Authority, for gantry mounted crane and alterations to an adjoining shed, previously granted planning permission (10/288).

ABP Ref. PL11.**309575**, Laois County Council Ref. 10/5

(1): section 5 question 'whether on site surface water management/cessation of surface water discharge is or is not development and is or is not exempted development'; decision - is development and is not exempted development.

Laois County Council Ref. 10/5

(2): section 5 question 'whether freestanding concrete walls that form storage bays for different size aggregates is or is not development and is or is not exempted development'; decision - is development and is exempted development.

Laois County Council Ref. 10/5

(3): section 5 question 'whether staff facilities as a result of COVID 19 is or is not development and is or is not exempted development'. Further information sought.

ABP Ref. PL11.**309575**, Laois County Council Ref. 10/5

(4): section 5 question 'whether an outdoor loading gantry is or is not development and is or is not exempted development'; decision - is development and is not exempted development.

Appeal ref. PL11.**239202** Laois County Council Ref. 10/315 – on foot of the Planning Authority decision to grant planning permission the Board refused permission (2011) for the construction of truck parking facility for the reason:

The site of the proposed truck parking area is greenfield land in an unzoned rural area, and is outside the site of the quarrying/ aggregate-related activities that the development is proposed to serve. It is considered that the proposed development at this location would represent an unco-ordinated approach to land-use that would intensify unnecessarily the impacts of the quarrying/aggregate related activities on the local environment (including in relation to drainage, noise, lighting and visual impacts), and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted that the site was substantially removed from the existing brownfield land and associated infrastructure on the overall landholding, and did not consider that the principle of a greenfield location for ancillary truck parking to have been justified.

ABP Ref. PL11.**239204**, Laois County Council Ref. 10/290: permission granted by the Board on foot of the Planning Authority and decision to grant permission for the retention of an existing precast concrete manufacturing building.

ABP Ref. PL11.**239205**, Laois County Council Ref. 10/289: permission granted by the Board on foot of the Planning Authority and decision to grant permission for the retention of an existing single story maintenance garage building.

ABP Ref. PL11.**239206**, Laois County Council Ref. 10/288: permission granted by the Board on foot of the Planning Authority and decision to grant permission for the retention of an existing precast concrete product manufacturing building.

Laois County Council Ref. **07/1451**: permission granted for the replacement of existing hardstanding area with a concrete surface.

ABP Ref. PL11.**218941**, Laois County Council Ref. 06/24: permission granted by the Board on foot of the Planning Authority and decision to grant permission for the retention of existing industrial unit with office, toilets and septic tank plus hardstanding and car parking area.

Laois County Council Ref. **98/780**: permission granted by the Planning Authority for the construction of a two storey office building ancillary to the existing concrete works.

Laois County Council Ref. **95/300**: permission granted by the planning authority for the retention of the concrete plant, extraction of sand and gravel and washing facility.

QY/05/76 registration of adjoining quarry, under Section 261 of the Planning and Development Act.

Enforcement files and alleged breaches:

23/08 – alleged unauthorised development: extension to a shed with gantry

21/35 – expansion to an industrial unit

20/14 – unauthorised factory

20/11 – alleged unauthorised development:

7 storage containers

Works for the surface water management system including new silt ponds, drains, laying of pipes and a pumphouse.

Storage bays

Hardstanding areas

Gantry and crane

Boundary treatment (consisting of old precast chimney blocks) stacked along the western boundary.

18/01 – early start (6am) and late finish outside permitted hours.

13/08 – non-compliance with conditions: 7(b) & 7 (c) of 239204, 239205 & 239206.

10/20 – alleged unauthorised development.

08/52 – non-compliance with conditions imposed under 261, enforcement notice, 21/10/2008.

03/46 – complaints re traffic, non-compliance with conditions.

5.0 Policy Context

5.1. Development Plan

5.1.1. Laois County Development Plan 2021-2027 is the operative plan.

5.1.2. Relevant provisions include:

policy objectives:

RL 12 Reconcile the need for resource-based economic activities to conduct a reasonable operation and the needs of residents in rural areas to access a good quality of life and access to rural areas.

RL 13 Have regard to Laois' Landscape Character Assessment, as well as more general Planning considerations, such as transport, environmental sensitivities, habitat considerations, the need for buffer zones around water bodies in its determination of planning applications related to land-based economic activities.

RL 14 Support in principle the expansion of the aggregates and concrete products industry which offers opportunity for employment and economic development generally subject to environmental , traffic and planning considerations and ensure that any plan or project associated with extractive industry is subject to Appropriate assessment screening in compliance with the Habitats Directive and subsequent assessment as required, applicants for planning permission shall have regard to the GSI-ICF Quarrying Guidelines.

RL 15 To secure the long-term supply of value-added products (such as concrete products and asphalt), which are often, but not always, produced in conjunction with aggregate extraction.

RL 16 To support the necessary role of the extractive industries in the delivery of building materials for infrastructural and other development and to recognize the need to develop extractive industries for the benefit of society and the economy;

RL 17 Support in principle the processing of minerals to produce cement, bitumen or other products in the vicinity of the source of the aggregate, where the transport network is suitable to reduce trip generation.

5.2. Natural Heritage Designations

- 5.2.1. Lisbigney Bog SAC (site code 000869) located c2.5km to the south, the River Barrow and River Nore SAC (site code 002162), located c 2 km to the south-west and the River Nore SPA (site code 004233), located c 2 km to the south-west, are the closest Natura sites.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Tom McEvoy has submitted the appeal. The appeal is set out in a paginated form: pages 1-8, and page 11 (no pages 9 and 10). Enclosures with the appeal statement include the appellant's submission to Laois County Council.
- 6.1.2. The grounds include:

- 6.1.3. The planning application is incomplete as it fails to include numerous further unauthorised developments taking place on the site. The planning authority should not have accepted the application as the applicant should have applied to An Bord Pleanála for substitute consent for all unauthorised developments.
- 6.1.4. This dates back to the parent permission on the site, Ref. 95/300, for the retention of a concrete plant, extraction of sand and gravel and a washing facility. Since 1996 unauthorised development has been carried out and there has been no cumulative assessment of the overall project.
- 6.1.5. Although an EIS was submitted with Ref. 95/300, EIA was not carried out.
- 6.1.6. The current application does not satisfy the need for legal certainty.
- 6.1.7. The planning history is set out, noting that each application is for retention.
- 6.1.8. Alleged unauthorised developments are referred to and photographs are provided.
- 6.1.9. No retention was sought for the secondary road from the main road to the site, and the applicant is breaching conditions pertaining to hours of work and number of heavy goods vehicles in and out. A court order from 2005 is referred to (copy provided). Details are provided of (HGV) vehicles for Monday 20 February 2023 and Wednesday 23 February 2023.
- 6.1.10. European Directives and jurisprudence are being violated: individual's rights; project splitting; cumulative effects; the disposal of waste.
- 6.1.11. The applicant has not applied to An Bord Pleanála to establish, in accordance with Section 177D (2) if they qualify as exceptional circumstances, to submit a remedial EIA to seek substitute consent.
- 6.1.12. Legal cases are referred to.
- 6.1.13. The Aarhus Convention is referred to.
- 6.1.14. The habitats directive is referred to. The applicant should have submitted a NIS.
- 6.1.15. Although a EIS was submitted for PI95/300 no EIA was carried out. The applicant must now apply to An Bord Pleanála for substitute consent.
- 6.1.16. The disposal of waste is listed under Annex II of the EIA Directive. The applicant must now apply to An Bord Pleanála for substitute consent. It also requires an EPA license.

6.1.17. Laois Co Co did not have sufficient, relevant or credible information in order to make an informed decision. The decision does not satisfy the need for legal certainty and creates an absurdity between the Irish Constitutional Court, the Treaty of the European Union and the jurisprudence of the ECJ judgements in cases C-392/96, C-50/09, C-215/16 and C-427/07 (details given) and the legislation adopted by Ireland in order to implement the ECJ judgements (the *acquis*¹).

6.2. Applicant Response

6.2.1. Aoca Engineering Consultants have submitted the response to the appeal on behalf of the applicant. The response includes:

- The site enjoys the benefit of a large number of valid planning permissions applied for in accordance with the Planning and Development Act 2000, as amended and through which the public was afforded the right to make observations, and to have such observations taken into account.
- The matters the subject of the current application are ancillary to the main authorised processes and do not result in any new activity not previously subject to assessment in principle in one or more of those earlier application. The site is as the applicant found it prior to the works, as an operational site whose works and uses have not been changed by this application.
- A very substantial portion of the structures to be retained was installed for necessary welfare reasons, following the prolonged COVID pandemic. The duration of which necessitated the need to retain what were always intended as temporary structures. These are intended to facilitate the same number of workers as were employed pre-COVID.
- Other structures are purely operational, such as a covered lean-to to keep authorised concrete and aggregates, for use in authorised processes, dry; and the mechanics storage container, which is part of the maintenance requirement for the authorised plant.

¹ The European Union (EU) *acquis* is the collection of common rights and obligations that constitute the body of EU law, and is incorporated into the legal systems.

- The site is essentially the same with the same emissions but with safer working conditions.
- The elements of this application have no impact on EIA or Habitats.
- The principle of assessing the change in the site, as occasioned by the application, is well established; it was used in the assessment of the last permission (22/25).
- The site occupies a total area of 20.5ha quarry and 6.5ha authorised industrial use. Booth Precast have followed the correct planning process is seeking retention for their unauthorised developments. They have taken steps to rectify any breaches of planning laws and have sought retention for all developments that were deemed to be in violation of planning laws.
- In line with condition seven of PL 95/300 all surface water on site is reused within the compounds of the land. All items agreed with Laois County Council on 21st June 2006 (minutes provided) have been complied with.
- Booth Precast engage in monitoring of dust emissions and surface water quality by BHP laboratories, a leading provider of environmental quality testing and accredited by INAB (the Irish National Accreditation Board) (reports attached). They provide environmental reports to Laois County Council. They hold ISO 140001-2015 – Environmental Management Systems Certification by OMNI assured certification international, (certificate attached).
- The appellant refers to High Court Case record: No 95/MCA 2005 which limited traffic movements until such time as further planning applications were approved to increase movement. The proposed development does not lead to excessive intensification of traffic. The current levels of traffic (Jason Redmond Traffic Report), as measured for application 10/288 and two other retention applications, were still below the levels deemed satisfactory. Booth Precast have invested significant resources and funds towards the enhancement of the receiving road infrastructure.
- No outstanding issues have been raised by the planning Authority as recently as the latest site visit on 9th February 2023. Booth Precast actively engages with Laois County Council and the local public on an ongoing basis. Minimal

concerns have been raised by third parties, with the exception of the appellant, who objects to all applications.

- Items attached as appendices to the response include
- A letter from Laois Co Co to Mr Peter Booth, dated 23rd June 2006, referring to a list of 'works outstanding'.
- A map showing structures and the related planning reference number.
- Lab reports, BHP laboratories.
- OMNI certificate.
- A consultant's submission made on behalf of the applicant's in relation to PL11.239206 (pre-cast concrete products building).

6.3. Planning Authority Response

- 6.3.1. The planning authority have not responded to the grounds of appeal.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are as follows: appropriate assessment, principle of development, the need for Environmental Impact Assessment, and other Issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.
- 7.2.2. The proposed development comprises:

a) retain 4 no. staff welfare containers to facilitate social distancing requirements as per Covid guidelines;

(b) 3 no. steel storage containers with canopies to provide shelter for workers; (c) 1 no. mechanics storage container;

(d) single lean-to shed to provide shelter for materials storage and all associated site works.

7.2.3. The locations are within a larger existing development, accessed using an existing road junction and utilizing existing surface water drainage, existing on-site wastewater treatment system and existing well water supply.

7.2.4. The structures are located on existing hard surfaces and will not increase run-off. The surface water drainage in this location is contained within the site.

7.2.5. As noted in a previous Inspector's report (R309575) a surface water pathway between the site and the River Barrow and River Nore SAC and the River Nore SPA is available via the watercourses that run to the east and to the immediate south west of the site and into which a previously licenced water discharge point connected. This hydrological connection between this previous discharge point and the River Barrow and River Nore SAC and the River Nore SPA sites was c.8km in length. The hydrological connection via the watercourse to the east was c.4km in length. The works which were the subject of that file (a referral) were such that the discharge of surface water from the pond / lagoon on the north western side of the site had ceased and had been replaced with an internal circulation of water to two newly constructed ponds / lagoons, resulting in the cessation of the previous discharge of water from the site.

7.2.6. A report of screening for appropriate assessment was not provided with the application.

7.2.7. The planning authority carried out a preliminary screening for appropriate assessment and arrived at a conclusion of no potential significant effects.

7.3. Screening for Appropriate Assessment

7.3.1. The nearest Natura sites are the River Barrow and River Nore SAC (002162) located c 2 km straight line distance to the south-west and in excess of c.8km downstream.

7.3.2. Screening

European Site	Site Code	Relevant QI & SCI	Distance
River Barrow and River Nore SAC	0024162	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Reefs</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>European dry heaths</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Petrifying springs with tufa formation</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior</p> <p>Desmoulin's Whorl Snail</p> <p>Freshwater Pearl Mussel</p> <p>White-clawed Crayfish</p> <p>Sea Lamprey</p> <p>Brook Lamprey</p> <p>River Lamprey</p> <p>Twaite Shad</p> <p>Salmon</p> <p>Otter</p> <p>Killarney Fern</p>	<p>C2km, straight line distance, in excess of 7km downstream.</p> <p>No physical connection.</p> <p>Potential hydrological connection</p>

		Nore Pearl Mussel	
River Barrow and River Nore SPA	004233	Kingfisher	C2km, straight line distance. in excess of 7km downstream. No physical connection. Potential hydrological connection.
Lisbigney Bog SAC	000869	Calcareous fens with Cladium mariscus and species of the Caricion davallianae Desmoulin's Whorl Snail	c2.5km to the south No physical or hydrological connection

7.3.13. Impact on the protected site Lisbigney Bog SAC is not likely, either from construction or operation.

7.3.14. The proposed development does not contribute to additional surface water run-off. Surface water is contained within the site, therefore the hydrological connection between the site and the River Barrow and River Nore SPA and SAC is broken, such that impact on the qualifying interest habitats or species of the protected sites is not likely, either from construction or operation.

7.4. In-combination effects

7.4.1. Having regard to the nature of the proposed structures and the purposes for which they are intended, the proposed development is not likely to operate in combination with other plans or projects to impact on these protected sites.

7.5. Conclusion of Screening for Appropriate Assessment

7.5.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002162, European Site No. 004233, European Site No. 000869 or any other European site, in view of the sites

Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.5.2. This determination is based on the following:

Distance of the proposed development from European sites and lack of meaningful ecological connections to those sites.

7.5.3. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

7.6. Principle of Development

7.6.1. Relevant policy related to the proposed development is found in the county development plan under policy objectives RL12, RL14, RL15 and RL17 under which support for resource-based economic activities is stated; support in principle the expansion of the aggregates and concrete products industry; and the objective to secure the long-term supply of value-added products (such as concrete products and asphalt), which are often, but not always, produced in conjunction with aggregate extraction; subject to conducting a reasonable operation and reconciling the needs of residents in rural areas to access a good quality of life and access to rural areas.

7.6.2. There is an established authorised use on the appeal site and the predominant use is quarrying and the manufacturing of concrete products. This use was established under L.A. Ref. 95/300 and subsequent permissions have been granted for the retention of industrial units used for the manufacturing of concrete products. The proposed development comprises the retention of sheds, with an overall floor area of 461sq. metres, to be used for various uses, mainly the welfare of workers, in connection with the established uses on the site. The structures are mainly small scale. One larger structure of 278 sq m is a combination of 3 storage containers between which, anchored to the containers, are two canopies. These canopies provide covered working areas. There are no walls to front or rear.

7.6.3. In my opinion the proposed development is acceptable in principle.

7.7. EIA

- 7.7.1. The grounds of appeal argues that the proposed development requires Environmental Impact Assessment and that this requirement extends to the entire development.
- 7.7.2. The development previously permitted is relevant to the current assessment of environmental impact as an in-combination or cumulative effect with the subject development. Environmental Impact Assessment Screening has been carried out for the proposed development and it has been found that the proposed development does not require EIA. In-combination or cumulative effects are not likely having regard to the nature of the proposed structures and the purposes for which they are intended. The proposed development is not likely to operate in combination with other plans or projects such as to require Environmental Impact Assessment.

7.8. Other Issues

- 7.9. Retention Permission
 - 7.9.1. The appellant correctly states that an application for retention permission for a development for which Appropriate Assessment or Environmental Impact Assessment is required may not be made to the planning authority and must first seek permission from An Bord Pleanála to apply for substitute consent. That would be so, were it the case that the proposed development required Appropriate Assessment or Environmental Impact Assessment, which, as previously stated is not the case.
- 7.10. Right of Public Participation
 - 7.10.1. The appellant states the planning authority has failed to comply with the Aarhus Convention and the Public Participation Directive (2003/35/EC) in accepting this application; and his right to participate in matters affecting the environment under these provisions has been impacted.
 - 7.10.2. The applicant in response states that the site enjoys the benefit of a large number of valid planning permissions applied for in accordance with the Planning and Development Act 2000, as amended, and through which the public was afforded the right to make observations, and to have such observations taken into account.

7.10.3. Notwithstanding the fact that many of the permissions for development on this site have been for retention of development, in each case, including the subject application / appeal, the process has involved the public, including the appellant. His right to participate has thereby been vindicated. I am satisfied that the process complies with the requirements for public participation in matters affecting the environment.

8.0 Recommendation

8.1.1. In accordance with the foregoing I recommend that the planning application be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

9.1.1. The proposed retention of these structures, within an existing industrial site, is not likely to impact on the environment or on protected sites, the development accords with the policies of the Laois County Development Plan 2021-2027, would not endanger traffic safety or unduly impact on the amenities of the area, and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The buildings/structures shall not be used for the storage of any hazardous materials.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Storm water shall be channelled to the existing stormwater drainage system, managed and contained within the curtilage of the landholding, subject to the detailed requirements of the planning authority .</p> <p>Reason: In the interest of public health and the proper planning and development of the area.</p>
4.	<p>All foul waste and soiled water shall discharge to the existing wastewater treatment system on site.</p> <p>Reason: In the interest of clarity.</p>
5.	<p>All temporary and permanent overground fuel/chemical storage tanks shall be adequately bunded to protect against spillage and leakage etc. Bunding shall be impermeable and shall be capable of retaining a volume equal to</p>

	<p>1.50 times the capacity of the overground storage tank it is being provided for. Filling and off-take points shall be located within the bunded area.</p> <p>Reason: In the interest of clarity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution of €15,674 (fifteen thousand, six hundred and seventy four euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Planning Inspector

6th November 2023

Appendices

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	(a) retain 4 no. staff welfare containers to facilitate social distancing requirements as per Covid guidelines; (b) 3 no. steel storage containers with canopies to provide shelter for workers; (c) 1 no. mechanics storage container; (d) single lean-to shed to provide shelter for materials storage and all associated site works. Comprising 461sqm in total.		
Development Address	Ballymullen, Abbeyleix, Co. Laois.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	/
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion

No				No EIAR or Preliminary Examination required
Yes	/	It is associated with a development under Schedule 5, Part 2 class 2 of the planning and development Act as amended i.e. Extractive Industry Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.		Proceed to Q.4

4. Has Schedule 7A information been submitted?			
No	/		Preliminary Examination required
Yes			Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 Photographs

Appendix 3 Laois County Development Plan 2021-2027